

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHELLE HOWELL,

Tamm, V.

**V
RAMIN,
ORDER**

SHADYWOODS,

Defendant.

CASE NO. C23-5143 BHS

ORDER

V.

SHADYWOODS,

Defendant.

THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's

Report and Recommendation (R&R), Dkt. 10, recommending the Court dismiss plaintiff Michelle Howell's complaint without prejudice and without leave to further amend.

Judge Fricke previously granted Howell *in forma pauperis* status, but ordered her to file

an amended complaint correcting various deficiencies in her initial complaint. Dkt. 7.

Howell filed an amended complaint. Dkt. 9. Judge Fricke's R&R correctly determined

that the amended complaint did not cure the deficientness and still failed to state a

plausible claim. Dkt. 10

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A district court shall make a de novo determination of those portions of the report

or specified proposed finding or recommendations *to which objection is made.*"²⁸

1 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). “The statute
2 makes it clear that the district judge must review the magistrate judge’s findings and
3 recommendations *de novo if objection is made*, but not otherwise.” *United States v.*
4 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires
5 “specific written objections to the proposed findings and recommendations” in the R&R.
6 Fed. R. Civ. P. 72(b)(2).

7 Plaintiff Howell has not objected to the R&R. Accordingly, she is not entitled to
8 have the Court review any portion of the R&R *de novo*. *See* 28 U.S.C. § 636(b)(1)(C);
9 Fed. R. Civ. P. 72(b)(3); *Reyna-Tapia*, 328 F.3d at 1121. Therefore,

10 (1) The R&R is **ADOPTED**;

11 (2) Plaintiff Howell’s complaint is **DISMISSED** without prejudice;

12 (3) Howell’s *in forma pauperis* status shall **NOT** continue in the event of an
13 appeal; and

14 (4) The Clerk shall enter a **JUDGMENT** and close the case.

15 **IT IS SO ORDERED.**

16 Dated this 18th day of September, 2023.

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BENJAMIN H. SETTLE
United States District Judge